

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 8, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

04od-272
04od-080

OAHU

Amend Prior Board Action of July 30, 2004, Item D-10; Request for Construction Right-of-Entry and Perpetual, Non-Exclusive Easement to the City and County of Honolulu for Bus Bay Purposes; Diamond Head, Honolulu, Oahu; TMK (1) 3-1-042:portion of 010; and

Amend Prior Board Action of November 19, 2004, Item D-46; Request for Grant of Perpetual, Non-Exclusive Easement; Issuance of Construction and Management Right-of-Entry to the City and County of Honolulu for Bus Shelter Purposes; Honolulu, Oahu; TMK (1) 2-1-025:portion of 003

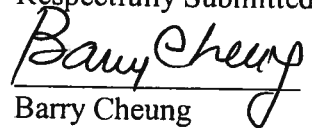
BACKGROUND:

Pursuant to the subject two Board approvals in 2004, two separate right-of-entry permits valid for one year were issued the City and County of Honolulu. Copies of the 2004 approved submittal are attached as Exhibit A and B for the Board's information.

The said right-of-entry permits expired in 2005. However, the City is still working on the survey map for the subject easement area. Recently, the City requests the Board extend the right-of-entry until the issuance of the respective easement documents. Staff has no objection to the request.

RECOMMENDATION: That the Board:

1. Amend its prior Board action of July 30, 2004, Item D-10 and November 19, 2004, Item D-46 by extending the expiration date of the right-of-entry permits until the issuance of the easement documents.
2. All terms and conditions listed in its July 30, 2004 and November 19, 2004 approval to remain the same.

Respectfully Submitted,

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 30, 2004

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 04OD-080

Oahu

Request for Construction Right-of-Entry and Perpetual, Non-Exclusive Easement to the City and County of Honolulu for Bus Bay Purposes, Diamond Head, Honolulu, Oahu, Tax Map Key: (1)6-1-042:Portion 10.

APPLICANT:

City and County of Honolulu, Department of Transportation Services, whose business and mailing address is 650 South King Street, 3rd Floor. Honolulu, Hawaii 96813.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Diamond Head, Honolulu, Oahu, Tax Map Key: (1) 6-1-042:Portion 10, as shown on the attached map labeled Exhibit A.

AREA:

1,429 square feet, more or less.

ZONING:

State Land Use District: Conservation, Urban
County of Honolulu CZO: Preservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 3642 as an Addition

as amended
APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON *KKK*

July 30, 2004

ITEM D-10

EXHIBIT "A"

to Diamond Head State Monument.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Comprehensive Exemption List for the City and County of Honolulu Department of Transportation Services", approved by the Environmental Council and dated April 17, 1985, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 2, Item No. 1, that states "Modernization of an existing highway by resurfacing, widening less than a single lane width, adding shoulders, adding auxiliary lanes for localized purposes (weaving, climbing, speed changes, turning lanes or turning pockets) and correcting substandard curves and intersections.

And, Exemption Class No. 3, Item No. 1 states "Construction of bus shelter, bus information booths, telephone booths, sidewalks and covered walkways."

A review of the proposed bus bay by the Office of Conservation and Coastal Lands determined that the work does not require a Conservation District Use Permit because it is relatively minor in nature, and covered by HAR Section 13-5-22(P-10)(A-1). (See Exhibit B).

DCCA VERIFICATION:

Not applicable.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 2) Process and obtain subdivision at Applicant's own cost;

REMARKS:

The subject land is encumbered by Governor's Executive Order No. 3642 as an Addition to the Diamond Head State Monument and under the management and control of the Division of State Parks.

The City and County of Honolulu is requesting an immediate construction right-of-entry and easement to construct a bus bay at the existing bus stop shelter site across the street from Kapiolani Community College (KCC) on Diamond Head Road. The proposed bus bay improvements will extend further into State land than the existing portable shelter, which is set back from the sidewalk within the State's boundary. Staff was unable to locate any files authorizing the encroachment. The applicant states that the portable bus shelter occupies a set back area originally used to accommodate an old water meter box no longer in use. The portable bus shelter can be easily relocated by using a forklift.

The proposed bus bay will serve to alleviate a traffic backup problem caused by our City's buses by allowing them to pull off completely from the single lane roadway and allow other vehicles to pass. The bus bay will provide amenities for students and visitors to KCC, including a widened sidewalk, ADA compliant wheelchair curb ramp, large area for waiting bus riders and a refurbished bus shelter.

The Office of Conservation and Coastal Lands has determined that the applicant does not need to apply for a Conservation District Use Permit because the proposed work is relatively minor in nature. The proposed bus bay is also exempt from an Environmental Assessment in accordance with the "City and County's Comprehensive Exemption List."

Staff solicited comments from the Division of State Parks and received a reply of "no objection". The Department of Defense provides that the proposed work does not involve parcel 6, which was set aside to them by Governor's Executive Order No. 1997, for Diamond Head Reservation purposes.

Staff has no objection to granting a construction right-of-entry and perpetual easement to the City for the proposed bus bay site.

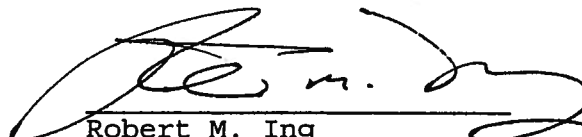
RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, Chapter 11-200, HAR, and the Comprehensive Exemption List for the City and County of Honolulu Department of Transportation Services", Exemption Class Nos. 2 and 3, this project will probably have minimal or no significant effect

on the environment and is therefore exempt from the preparation of an environmental assessment.

2. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, grant a Perpetual, Non-Exclusive Easement to the City and County of Honolulu, covering the subject area for access and utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current term easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize an immediate Construction Right-of-Entry, expiring one (1) year from the date of issuance, and subject to the standard terms and conditions of the most current construction right-of-entry form, as may be amended from time to time.

Respectfully Submitted,


Robert M. Ing
Land Agent

APPROVED FOR SUBMITTAL:

For 
Peter T. Young, Chairperson

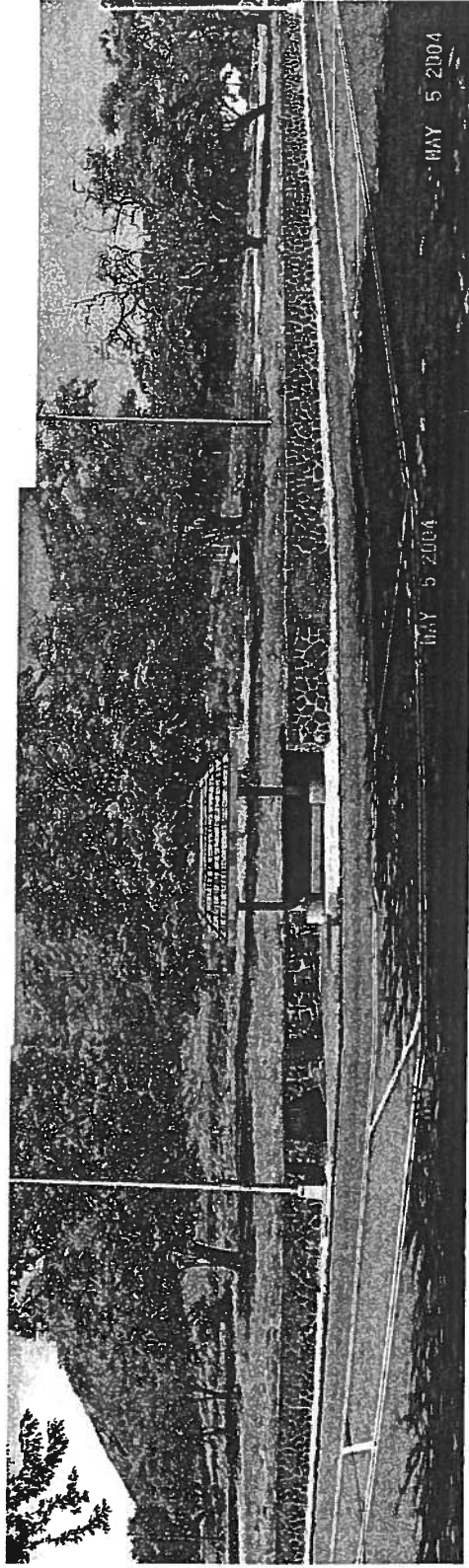
Approved as amended. The Board amended:

- 1) The Title of the submittal and the Location Section by changing the Tax Map Key from (1) 6-1-042:portion 10 to (1) 3-1-042:portion 10; and
- 2) The Character of Use Section to read as follows:

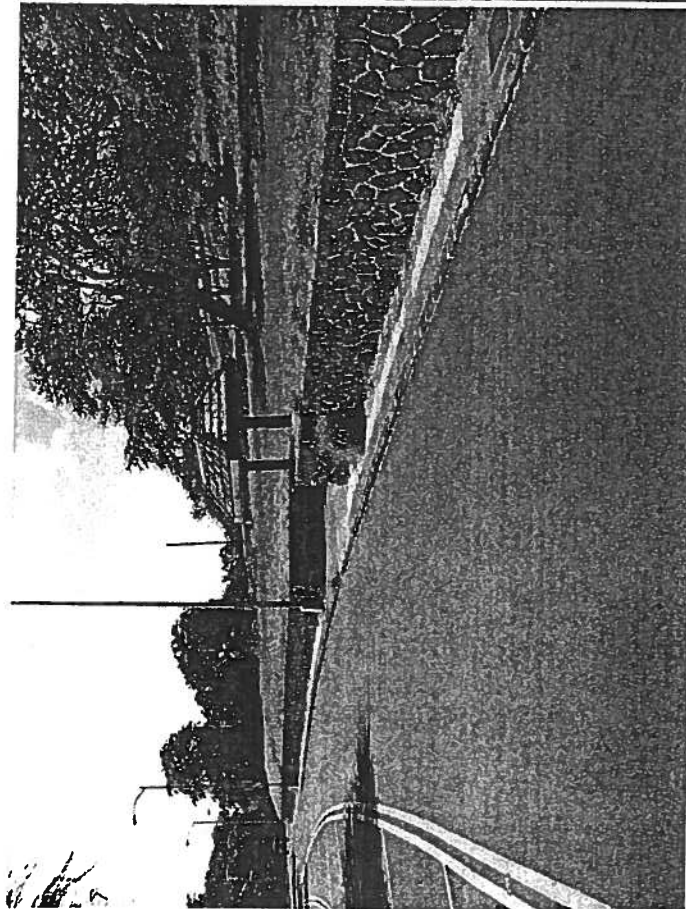
"Right, privilege and authority to construct, use, maintain and repair a [~~right-of-entry~~] bus bay and shelter over and across State-owned land."

EXHIBIT A

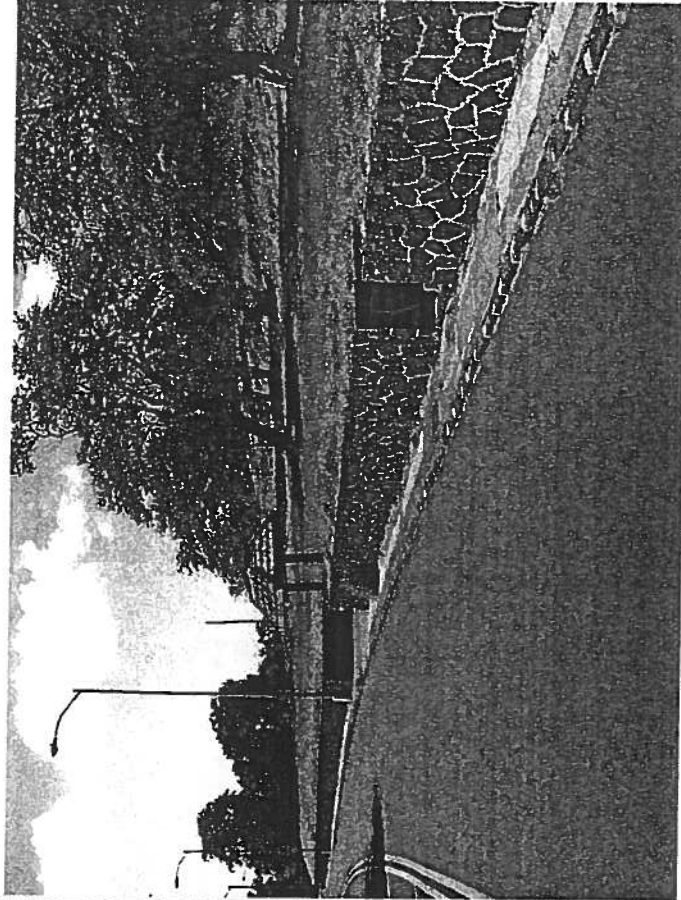
Proposed City Bus Bay Site



Facing Diamond Head from the Kapiolani Community College side of Diamond Head Road. (The photo is misleading because the center appears to bow towards the camera as a result of taking 3 photos from one spot. In reality, the opposite is true with the road bending away towards Diamond Head as shown in the next photo.)



Single lane traffic Facing East.



The proposed bus bay is to begin at another staircase perhaps 20 or so feet behind the right edge of this photo.

DAGS - SURVEY DIVISION MAPPING STANDARDS

MAP SIZES:

8.5" X 13" OR LONGER

11" X 17"

21" X 32"

24" X 36"

SCALES:

10, 20, 30, 40, 50, 60 AND multiples of 10x

COORDINATE SYSTEM:

Drawing will be referenced to a local government survey triangulation station.

Azimuths will be referenced from True South.

Distance will be in feet.

OTHER REQUIREMENTS:

Plat will be positioned so that the north arrow points upward.

Main drawing and all insets will have a north arrow and scale.

Area will be in square feet and/or acres.

Mathematical closures should be within 0.01.

Easements should be tied to the lot and ties checked for proper closure.

Do not describe easements by centerline if it begins or ends on a curved boundary.

Grant and award lines will be shown as long dash lines with two dots except along roadways.

All forest reserve lines will be shown as long dash lines with three dots except along roadways.

Map title shall include the location, scale, tax map, date and drawing size.

Map and description should show name of the company, the Licensed Professional Land Surveyor, professional stamp and signature.

DRAWINGS SHOULD BE SUBMITTED WITH A CAD FILE.

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

November 19, 2004

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:04OD-272

Oahu

Grant of Perpetual, Non-Exclusive Easement; Issuance of
Construction and Management Right-of-Entry to the City and
County of Honolulu for Bus Shelter Purposes, Honolulu, Oahu,
Tax Map Key: (1)2-1-025:Portion 03.

APPLICANT:

City and County of Honolulu, Department of Transportation
Services, whose business and mailing address is 650 South King
Street, 3rd Floor. Honolulu, Hawaii 96813.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Honolulu, Oahu, Tax Map
Key: (1) 2-1-025:Portion 03, as shown on the attached map labeled
Exhibit A.

AREA:

650 square feet, more or less.

ZONING:

State Land Use District: Urban
County of Honolulu CZO: Preservation (P-2)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 541 to the State

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
November 22, 2004

ITEM D-46
EXHIBIT "B"

Department of Accounting and General Services (DAGS)-Public Works
Division for Aliiolani Block Purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and
repair a bus shelter over and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Comprehensive Exemption List for the City
and County of Honolulu Department of Transportation Services",
approved by the Environmental Council and dated April 17, 1985,
the subject request is exempt from the preparation of an
environmental assessment pursuant to Exemption Class No. 3, Item
No. 1 states "Construction of bus shelter, bus information
booths, telephone booths, sidewalks and covered walkways."

DCCA VERIFICATION:

Not applicable.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS
standards and at Applicant's own cost; and
- 2) Process and obtain subdivision at Applicant's own cost;

REMARKS:

The subject land is encumbered by Governor's Executive Order No.
541 for "Aliiolani Block" purposes under the management and
control of the Department of Accounting and General Services-
Public Works Division.

The City and County of Honolulu is requesting to expand an
existing bus shelter facility across the street from the State
Library on the corner of King and Punchbowl Streets. The current
bus stop shelter is set back from the sidewalk on a concrete pad
situated on the corner of the State's property. The concrete pad
also extends further West of the existing shelter to accommodate

several benches for bus users. The origin of the existing shelter is unclear, but has existed for a number of years. Staff's files indicate a land disposition was never issued for the existing facility. The Applicant's current use of the area and their desire to begin modifying the existing facility requires the issuance of a construction right-of-entry and perpetual, non-exclusive easement for the proposed bus shelter.

According to the Applicant, the modifications will include constructing 4'x 4' concrete footings with supporting posts for two (2) prefabricated shelters that have a more slender profile than the existing one. (Compare Exhibits B and C). The proposed bus shelters will assist in accommodating the large crowds frequenting the bus stop who are often exposed to the elements.

In accordance with the "City and County's Comprehensive Exemption List", the bus shelters are exempt from an Environmental Assessment.

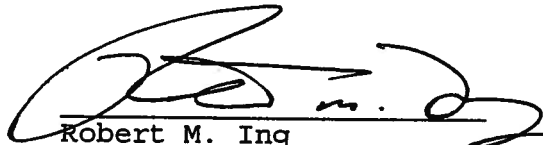
Staff obtained comments from DAGS-Planning Branch who consented to the proposed bus shelters, provided that the adjacent war memorial is not unduly obstructed from view, and that the plans area subject to the review and comment by DOD Office of Veteran Services. Other contingencies from DAGS were in regards to maintenance and liability issues that are covered in the standard easement document. No other governmental agency was solicited for comments because the easement and proposed modifications do not deviate from its current use.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, Chapter 11-200, HAR, and the Comprehensive Exemption List for the City and County of Honolulu Department of Transportation Services", Exemption Class No. 3, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, grant a Perpetual, Non-Exclusive Easement to the City and County of Honolulu, covering the subject area for bus shelter purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual, non-exclusive easement document form, as may be amended from time to time;

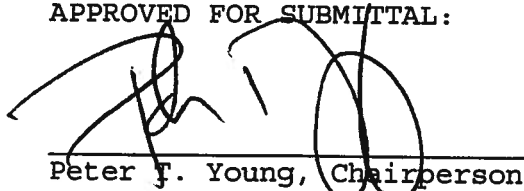
- B. Governor's Concurrence on the easement affecting Governor's Executive Order No. 541;
 - C. Review and approval by the Department of the Attorney General;
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize a Construction Right-of-Entry to expire one (1) year from the date of issuance, and subject to the following:
- A. Obtaining the consent of the Department of Defense, Veteran Services Section regarding the impact the proposed construction may have on the existing war memorial abutting the subject area;
 - B. The standard terms and conditions of the most current construction right-of-entry form, as may be amended from time to time; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

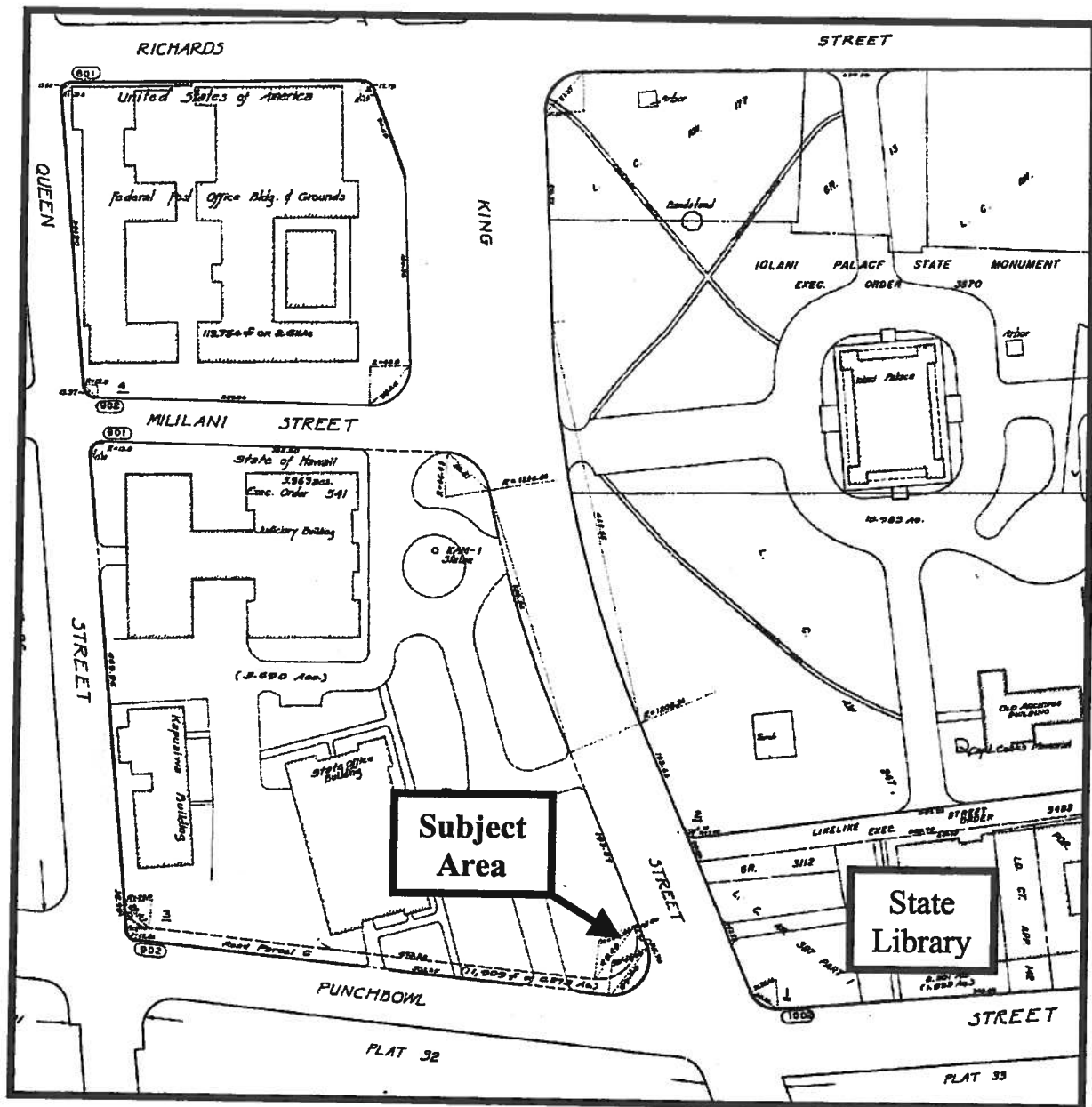
Respectfully Submitted,


Robert M. Ing
Land Agent

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APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson



Bus Shelter
TMK: (1) 2-1-025:Por. 03

EXHIBIT A

BUS SHELTER AT KING AND PUNCHBOWL NEAR WAR MEMORIAL.

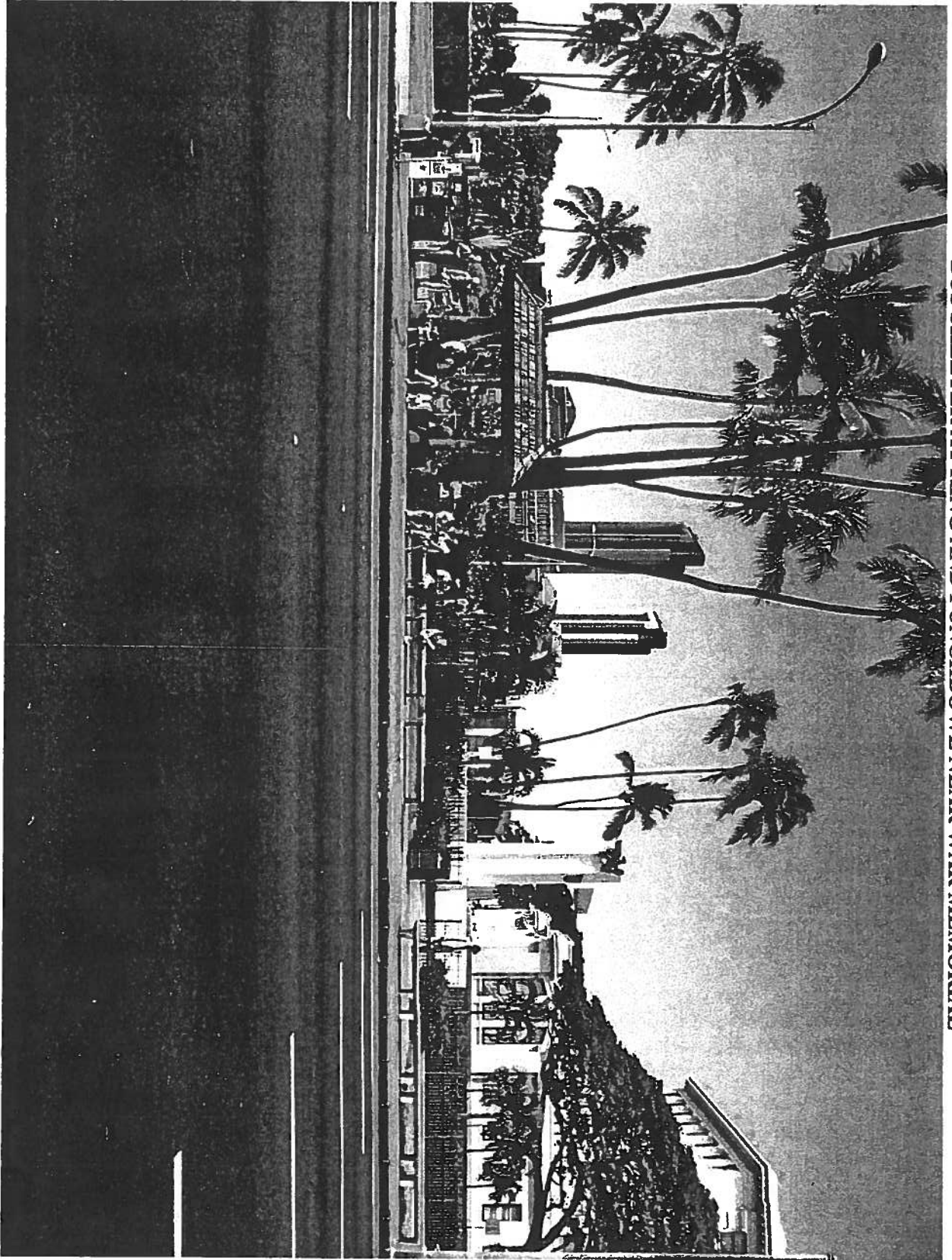


EXHIBIT B

PROPOSED BUS SHELTERS

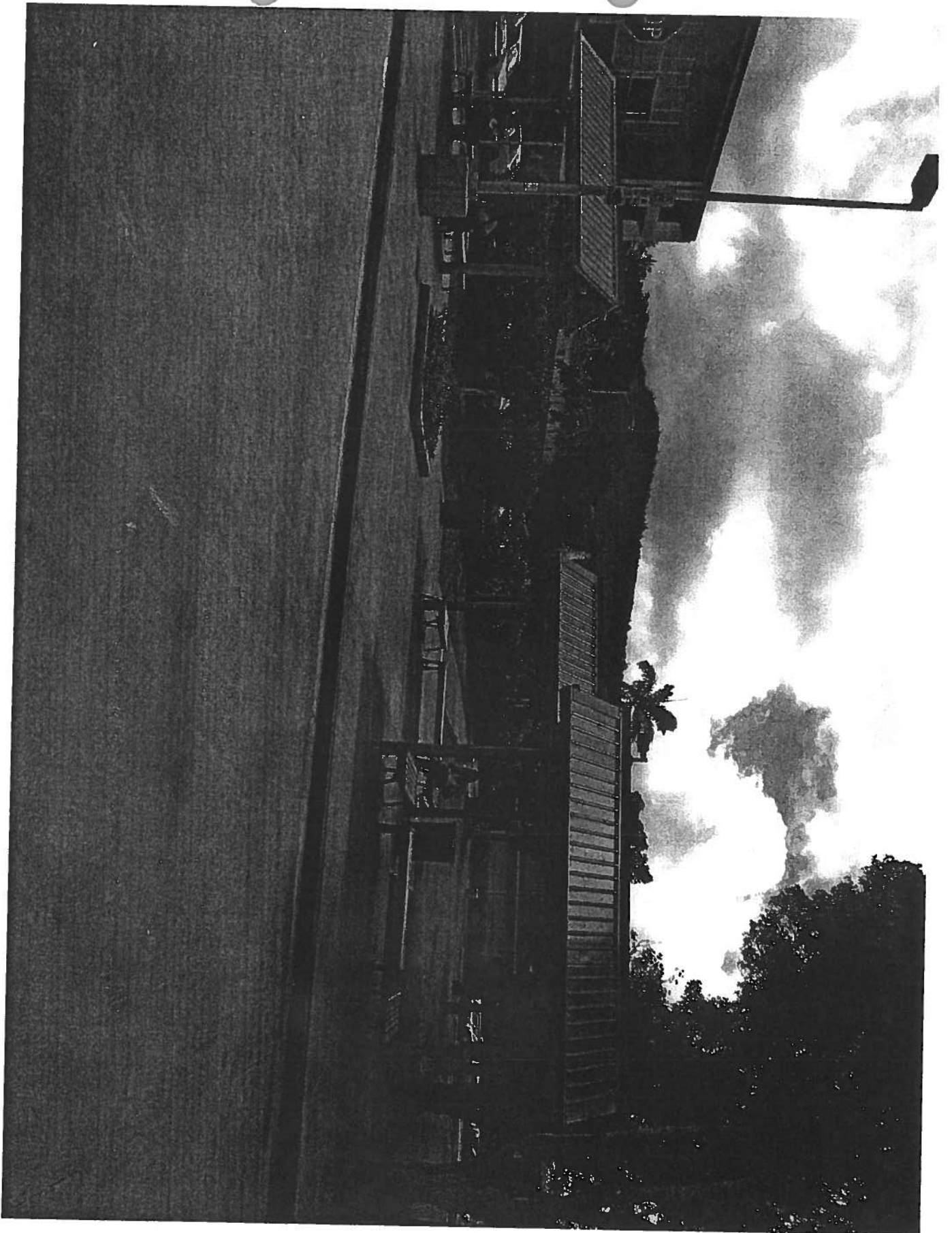


EXHIBIT C